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Letter dated 25 May 2012 from the Secretary-General to the President of the Security Council

Further to the request contained in paragraph 13 of Security Council resolution 2043 (2012), I wish to update the Council on the implementation of the resolution, since the 8 May 2012 briefings by the Joint Special Envoy of the United Nations and the League of Arab States for Syria, Kofi A. Annan, and the Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous.

Under the six-point plan, the Syrian authorities are obliged under point (2) to cease troop movements towards population centres, cease the use of heavy weapons in such centres and pull back military concentrations. The Security Council, in resolutions 2042 (2012) and 2043 (2012) further reiterated that the Government must implement visibly its commitments in their entirety and underscored the importance for it to withdraw its troops and heavy weapons from population centres to its barracks or temporary deployment places to facilitate a sustained cessation of violence. The opposition is also obliged to cease all armed violence in all its forms. In response to the call of the Security Council, both sides must also respect relevant provisions of the Preliminary Understanding.

The cessation of violence by all parties must include ending the human rights abuses that have characterized the fighting. In addition, the Government has obligations under the six-point plan to facilitate humanitarian access, provide access to and release persons arbitrarily detained, provide visas to journalists and allow their free movement, and respect freedom of association and the right to protest peacefully.

The United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS) continues to build its capacity while working in keeping with its mandate to monitor a cessation of armed violence in all its forms by all parties and to monitor and support the full implementation of the six-point plan. Despite the challenges, and the security risks facing the mission, the deployment of UNSMIS is proceeding expeditiously. The deployment of the military component is essentially completed, thanks to the efforts of the Departments of Peacekeeping Operations and Field Support, and the generous and timely contributions of troop-contributing countries. The arrival of civilian staff is also continuing, with additional substantive staff still being required for the Mission to reach its full capacity for monitoring and support.

There has been some reduction in the intensity of fighting in areas where UNSMIS has established its presence. The engagement of observers at the local

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level appears to be having a calming effect, while also allowing initial engagement with parties on the ground. That said, the overall level of violence in the country remains quite high.

Measured against the commitments embodied in the six-point plan, the overall situation in Syria remains extremely serious, and there has been only small progress on some issues. There is a continuing crisis on the ground, which is characterized by regular violence, deteriorating humanitarian conditions, human rights violations and continued political confrontation. Daily violent incidents continue across the country, leading to a large number of deaths and injuries, albeit at a lower scale than immediately before 12 April 2012. The Syrian army has not ceased the use of, or pulled back, its heavy weapons in many areas. There has also been an alarming number of explosions in population centres, including acts of terrorism.

Cessation of armed violence in all its forms

At the outset, I would note that UNSMIS has observed the considerable physical destruction resulting from conflict in many locations, with some opposition areas heavily damaged. UNSMIS has also observed that significant parts of some cities appear to be under the de facto control of opposition elements. There is an overall atmosphere of tension, mistrust and fear. Both the Office of the Joint Special Envoy and the Mission receive daily communications from the Government of the Syrian Arab Republic, as well as opposition groups, detailing alleged violations of the cessation of violence. The size and complexity of the country, the range of potential violations, the differing local contexts and the precarious security environment make it difficult to gain a full and complete picture of the situation on the ground.

Since 8 May 2012, UNSMIS has noted in areas where observers are present a reduction in the use and the deployment of heavy weapons and in the frequency and the intensity of armed clashes. However, UNSMIS has also observed continued Syrian army troop concentrations and heavy weapons in population centres. Examples of these include a company size convoy of Syrian armed forces seen by UNSMIS observers entering Damascus and another company observed in Dara'a on 11 May 2012. On numerous occasions, UNSMIS has observed armoured personnel carriers and, less frequently, tanks.

On occasion, UNSMIS personnel have been able to broker local level understandings to de-escalate situations and in some areas have seen positive steps by the parties to address violations when observed and reported to them. On 15 May 2012, UNSMIS organized a ceasefire between the Syrian army and opposition forces in neighbourhoods of Deir ez-Zor, and the Government agreed to withdraw armoured personnel carriers. On 21 May 2012, UNSMIS negotiated an understanding between the parties in Khan Sheikhoun that saw the Government release two detainees and recover a burned-out tank. However, on other occasions observers arrived in the aftermath of an incident or could not mediate a ceasefire.

Among the violations during the reporting period, UNSMIS observed heavy fighting between the Syrian army and the opposition in Talbisah and al-Rastan, where Government forces were observed using tanks, armoured personnel carriers and rocket-propelled grenades on 8 May 2012, and there were reports of continuing fighting during the following week. UNSMIS observers reported hearing small arms and heavy weapons fire and explosions regularly, in all of their locations,

particularly at night. The intensity of such activities has been uneven. For example, on 18 May 2012, observers in Idlib reported attacks on Government installations. Also in Idlib, intense exchange of fire between Government forces and armed personnel were heard 500 metres north of the UNSMIS team site when a Syrian military position was attacked. During the morning hours of 19 May 2012, observers in Homs reported hearing 82 explosions and sporadic gunfire. When visiting hospitals, UNSMIS has observed gunshot and blast victims, among both civilians and members of the security forces.

On several occasions, UNSMIS has heard the sound or seen evidence of shelling in population centres. In meetings with UNSMIS staff, armed opposition groups said that the Government was carrying out heavy shelling at night, outside the view of military observers. The Government has countered that armed groups are provoking Government forces by firing at them, and that it will continue to respond. It has also reported the smuggling of weapons across its borders and other criminal activity, including killings and abductions of members of the security forces. The Government reportedly continues to receive military equipment and ammunition from other countries, and there are also reports of weapons being sent to opposition forces.

UNSMIS has reported that opposition representatives relate an ongoing fear of reprisals for talking to UNSMIS, which is a matter of serious concern. It is of utmost importance that there be no such intimidation. On 9 May 2012, in Dara'a, an explosive device detonated next to a house where five minutes earlier an UNSMIS patrol had met Free Syrian Army representatives. On 19 May 2012, opposition personnel in the village of al-Shamas in Homs reported to observers that they were told that if they participated in demonstrations or spoke to the United Nations, they would be killed or arrested with their families. They also showed pictures of an assault that occurred earlier in which they claimed the Syrian army had killed 20 people, injured many and detained 300.

In areas dominated by the opposition, UNSMIS interactions with the people and representatives of opposition groups have been affected by the level of frustration of local populations, the diffuse structure of the opposition groups and fear of potential reprisals. The frustration of the local population has taken the form of threats against UNSMIS observers, damage to vehicles and restrictions of movement by the crowd. At the same time, much of the population, even if voicing criticism and concerns, appears to welcome the presence of United Nations observers.

There has been an increase in the number of bombings, most notably in Damascus, Hama, Aleppo, Idlib and Deir ez-Zor. This included twin bombings on 10 May 2012 in Damascus, when two vehicle-borne improvised explosive devices estimated to weigh over 1,000 kg each were detonated in proximity to Government security installations. The sophistication and the size of the bombs point to a high level of expertise, which may indicate the involvement of established terrorist groups. The Government has asserted that such groups are active in the country, as have some opposition groups. Al-Nusra Front has claimed responsibility for at least six of the recent bombings.

The volatile security situation has also affected the Mission staff. Between 9 and 19 May 2012, a number of incidents occurred near UNSMIS convoys. On 15 May 2012, in Khan Sheikhoun in Idlib Governorate, a bomb explosion and direct fire struck an UNSMIS convoy of four vehicles, damaging three. There were no

casualties, but one vehicle was lost until its recovery on 21 May 2012. On another occasion there was an explosion 30 metres from one of the cars. On 19 May 2012, UNSMIS observers visited the site of a large explosion located 500 metres from the Deir ez-Zor UNSMIS team site. The blast, which targeted a military intelligence headquarters, was allegedly caused by a suicide bomber and resulted in 6 deaths and 41 injuries. On 20 May 2012, a small improvised explosive device exploded in Damascus approximately 150 metres from a United Nations convoy. On 21 May 2012, two improvised explosive devices exploded in the vicinity of UNSMIS observers while escorting a Syrian army unit during the recovery of a destroyed tank in Damascus. UNSMIS also had its vehicles stoned in al-Damyar, near Damascus, and on several occasions small arms fire struck UNSMIS convoys. While it remains unclear whether UNSMIS convoys were deliberately targeted, those incidents underline the precarious security context in which the Mission operates. The Mission remains vigilant and is constantly assessing the security situation.

There are continuing reports of a stepped-up security crackdown by the authorities that has led to massive violations of human rights by Government forces and pro-Government militias, including arbitrary arrests, torture, enforced disappearance and summary execution of activists, opponents and defectors. I would like to call your attention to the latest update released on 24 May 2012 by the Independent International Commission of Inquiry on Syria. UNSMIS is investigating allegations regarding 21 civilians having been killed on 14 May 2012 in Asammas, near Homs, and reports of hundreds of persons detained during that operation, which was carried out jointly by Government forces and supportive armed militias. UNSMIS has informed local authorities. There are also reports of human rights violations by the opposition, on a lesser scale, but including instances of arbitrary detentions and summary executions of Government forces and other pro-Government elements.

Access to and release of detainees

The Government of the Syrian Arab Republic is under an obligation to provide full access to all arbitrarily detained persons and to intensify the scale and the pace of their release. There are continuing reports that thousands of Syrians are being detained in a network of Government-run facilities of different kinds. The issue of arbitrary detention is a central grievance raised in many of the UNSMIS consultations with opposition groups, where it is often strongly emphasized as a key concern within communities affected by violence.

UNSMIS has received many reports from civilians of family members arrested about whom they have no information. UNSMIS and the Office of the Joint Special Envoy have also received several lists of detainees from opposition and human rights groups. The detainees reportedly include a large number of persons who are human rights and political activists not engaged in armed fighting, as well as vulnerable persons. I would note here the statement made by the Committee against Torture on 16 May 2012 in relation to the Syrian Arab Republic.

UNSMIS is in the process of engaging the Government and liaising with various actors, including the International Committee of the Red Cross (ICRC), on this issue, but systematic access to detainees or sites where they are held has not been obtained. ICRC began a nine-day visit to Aleppo Central Prison on 13 May 2012.

The Government reported on 16 May 2012 the release of 250 detainees who were not involved in violent activities, following the release of 265 detainees earlier in the month. UNSMIS is in the process of obtaining the list of those released. This is only a very small portion of the people reportedly detained over the past 15 months. The Government has also informed the Joint Special Envoy of amnesties granted to several hundred persons who had turned themselves in, surrendered their weapons and given undertakings as to their future conduct.

The pace and the scale of access to, and release of, detainees is unacceptable, given the commitment of the Government under its international obligations and the six-point proposal. Access to all detention facilities and information on detainees is essential. I call on the Government of the Syrian Arab Republic and its law enforcement agencies, the judiciary and prison authorities to provide relevant information to the Mission and other relevant organizations on detainees and access to them. I also call upon the Government to expedite the release of arbitrarily detained persons, which is a key priority the Joint Special Envoy has consistently underscored to the Syrian authorities. Other groups should also release those deprived of their freedom under their control.

Entry and freedom of movement for journalists

There has been some, but not enough, improvement in terms of entry and freedom of movement of journalists in the Syrian Arab Republic. The Joint Special Envoy has been informed of a total of 166 international journalists who had received visas since the Syrian Government's agreement to the six-point plan. However, the Government still requires that journalists seek specific permission in advance for in-country travel, which is often not forthcoming. They are often only permitted short stays that do not facilitate in-depth reporting. UNSMIS was also informed by journalists that the opposition had threatened a Russian journalist in Al Mastoumah.

Respect for freedom of assembly and peaceful protest

The obligation of the Government of the Syrian Arab Republic to respect freedom of association and the right to demonstrate peacefully is clearly not being observed. While UNSMIS has observed protests on several occasions during patrols, they are clearly not being carried out with the agreement of the Government. When UNSMIS personnel visited Aleppo University on 9 and 17 May 2012, there were student demonstrations. Credible information indicates that, after the observers left on 9 May 2012, Government and irregular elements fired tear gas and live ammunition in the air, raided the campus and killed between 2 and 5 students, in addition to arresting up to 200. There were also reports of live fire and arrests of protesters by security forces on 17 May 2012.

While demonstrations are carried out in many other parts of the country, many have reportedly been broken up with the use of live ammunition and lethal force and the arbitrary arrests of protestors. It is clear that the broad context of intimidation and human rights violations does not constitute an environment in which citizens can express their opinions or demonstrate freely.

Humanitarian access and assistance

It is urgent that humanitarian relief reaches all who need it, and the Government is obligated to ensure timely provision of humanitarian assistance to all areas affected by the fighting. As local resources are depleted, living conditions for the majority of Syrians are deteriorating; the local solidarity networks are at risk of becoming exhausted; and basic items, such as bread, milk and medicine, are lacking in some areas. The fighting has caused significant displacement within the country and refugee flows to neighbouring States. The number of Syrians in need of some form of humanitarian assistance, currently estimated at 1 million, may well increase if the crisis continues.

The efforts exerted in extremely difficult circumstances by humanitarian organizations on the ground, particularly the Syrian Arab Red Crescent, are considerable. After consultations and agreement with the Government, United Nations agencies are also scaling up activities in preparation for providing additional support. The World Food Programme now reaches 250,000 people monthly through the Syrian Arab Red Crescent. United Nations agencies are also distributing non-food items and providing health and community services. Assistance has been provided to 12,000 people in need in rural Damascus. The Government has also stated that it is willing to commit substantial financial resources to humanitarian and reconstruction activities in areas damaged or destroyed.

However, existing needs, corroborated by the observations made by military observers and civilian staff in areas directly affected by the conflict, remain much higher than the current response. The strengthening of humanitarian operations and the delivery of vital basic services are urgently required to meet such needs.

Agreement has now been reached with the Government that the United Nations humanitarian agencies can deploy humanitarian staff in branches of the Syrian Arab Red Crescent in Deir ez-Zor, Dara'a, Homs and Idlib. Agreement has also been reached that a number of national and international NGOs will be part of the relief efforts. While welcome, these initial agreements are yet to be translated into action. I urge that these steps be fully implemented without delay. I also stress that this is only the first stage of expanding access and that it still falls short of my expectation for unhindered humanitarian access. I count on the continued and additional support of Member States to enable the scaling up of efforts by all relevant United Nations humanitarian agencies.

I wish to thank countries neighbouring the Syrian Arab Republic for their assistance to the Syrian refugees. It is essential that borders be kept open. The Office of the United Nations High Commissioner for Refugees has now registered 60,928 Syrian refugees in Iraq, Jordan, Lebanon and Turkey. The organization is supporting the Governments of these countries to address the needs of these refugees and will continue to increase assistance as required by the continuing influx of displaced populations.

Deployment and operations of the United Nations Supervision Mission in the Syrian Arab Republic

UNSMIS strength continues to increase rapidly. As at 25 May 2012, the Department of Peacekeeping Operations had received nominations of military

observers from 43 Member States. As at the same date, UNSMIS comprised 271 military observers and 81 civilian staff. The Mission is expected to attain full military strength before the end of the month.

The Government has cooperated to support the establishment of the Mission, through senior level support, the establishment of systems for administrative and visa processing, and security coverage. Nonetheless, some military observers and civilian staff are yet to receive visas. In accordance with paragraph 7 of Security Council resolution 2043 (2012), the Department of Peacekeeping Operations delivered a draft status of mission agreement to the Permanent Mission of the Syrian Arab Republic to the United Nations on 10 May 2012. Efforts also continue to build on the Preliminary Understanding signed on 19 April 2012, and to establish a final agreed protocol between the Government and the United Nations. The issue of the use of independent air assets remains under discussion. It is also important that the Syrian authorities ensure entry of all communication equipment for UNSMIS, which is essential for mission security.

UNSMIS now occupies a fixed headquarters in Damascus and has established seven planned team sites (Aleppo, Dara'a, Deir ez-Zor, Hama, Homs, Idlib and Rif Damascus). With its increased numbers, the Mission has a greater capacity to patrol, monitor and report, and to make specific interventions. UNSMIS, through its headquarters and its observer teams, has established contacts with the Government and its security forces at all levels, including the provincial level, with the opposition, both armed and political wings, and with the local population in those areas where the Mission has access. UNSMIS has also developed a mechanism for reporting to the parties incidents it observes and violations that the Government and opposition do not rectify following notification.

UNSMIS will continue to build up its civilian and military personnel until it reaches mandated levels, and will also look to establish additional team locations in areas of need. Engagement with all parties will continue and expand at both the national and local levels through the promotion of dialogue, the building of trust and the establishment of coordination and consultation mechanisms on the implementation of the six-point plan. Such linkages have proved vital in the de-escalation of violent incidents and avoidance of conflict. They play a key role in ensuring the safety and security of UNSMIS personnel.

In the meantime, the enlarged military and civilian presence on the ground is expected to generate additional visibility and strengthen reporting capacities. This will serve to present a more timely, clear and accurate picture of the status of implementation of the Preliminary Understanding and the six-point plan at both the local and national levels.

The Under-Secretary-General for Peacekeeping Operations visited UNSMIS from 18 to 22 May 2012 to evaluate progress. The trip allowed Mr. Ladsous to see the status of deployment of military observers and civilian staff, and to engage directly with personnel working on team sites in Homs and the Rif Damascus area. The challenging conditions being faced by UNSMIS in the field were apparent, as was the scale of damage that has occurred in areas where conflict has taken place, and the difficulties confronting civilians living in the shadow of violence.

The Under-Secretary-General met with representatives of the Government, including the Minister for Foreign Affairs and Minister of Defence, and took the

opportunity to emphasize the role of UNSMIS, the responsibilities of the Government to ensure the success of its mandate, and the requirement for the full implementation of all aspects of the six-point plan. He also met with representatives of the opposition in Damascus and Homs, where he reinforced the need for all parties to ensure the cessation of armed violence, to seek a political solution and to ensure the safety of our personnel.

Political process

The Joint Special Envoy has continued his efforts at the national, regional and international levels. I have also remained in close contact with many regional and international leaders, including the League of Arab States, in a constant effort to strengthen the cohesion of the international community in finding effective and peaceful ways to stop the violence and facilitate a genuine political solution that meets the legitimate aspirations of the Syrian people.

At the heart of the Syrian crisis are extensive human rights violations and denial of the legitimate aspirations of the Syrian people. In this context, real progress in implementing all elements of the six-point plan is essential, if confidence in the possibility of a credible political process is to be created.

The Joint Special Envoy, his deputies and UNSMIS have continued to engage a range of Syrian interlocutors and key external actors whose support will be crucial for the process and its outcome. There is growing impatience with the status quo, but also a lack of confidence in the possibility of genuine transformation. While many fear the implications of further militarization of the conflict, some have doubts that peaceful change is possible. Political engagement with all stakeholders on the way forward is all the more important to identify issues on which common ground can be found. A truly inclusive process should include all components of Syrian society, including those who are not engaged in the present confrontation, but may have a contribution to make when the time comes to hold an inclusive national dialogue.

The Deputy Joint Special Envoy of the United Nations and the League of Arab States for Syria, Nasser Al-Kidwa, has continued the efforts to engage a broad range of the Syrian opposition towards helping them become more inclusive and representative in their structure and decision-making. The meeting of various parties, groups and political figures, which was called for by the League of Arab States on 16 and 17 May 2012, was postponed after the Syrian National Council and the National Coordination Committee for Democratic Change indicated that they would not participate. That was a missed opportunity for the opposition to come together and discuss ways of developing a framework that would facilitate a political process. Subsequent consultations with stakeholders highlighted the importance of continuing efforts to convene a meeting at a later stage. As the League of Arab States considers new dates for the meeting, all should impress on the opposition the importance of intensifying their efforts to become cohesive both organizationally and politically, so that it can positively and effectively engage in the political process.

The Joint Special Envoy is preparing a visit to Damascus to discuss with President Assad and his team, and a range of other relevant interlocutors, including from the opposition, the need for urgent action to implement the six-point plan and the way forward on the political process. The Deputy Joint Special Envoy of the

United Nations and the League of Arab States for Syria, Jean-Marie Guéhenno, visited the Syrian Arab Republic between 18 and 24 May 2012 in advance of the Joint Special Envoy's visit, meeting with representatives of the Government, including the Minister for Foreign Affairs, and a wide range of interlocutors, including in visits to Homs and al-Rastan.

Observations

I commend the efforts of the Joint Special Envoy and the Head of Mission of UNSMIS, as well as the brave commitment of the staff on the ground. Their efforts, backed by the Security Council and the entire international community, are offering the Syrian people and the region a clear alternative to the deepening crisis on the ground, and to the potential for the Syrian Arab Republic to descend into a full scale civil war.

While the international effort is making some impact on the ground, unacceptable levels of violence and abuses continue, in violation of resolution 2043 (2012) and the six-point plan. The situation poses serious security challenges to the implementation of the mandate of UNSMIS, as well as risks for our observers, and grave risks for the Syrian people. Most elements of the six-point proposal have yet to be implemented.

This is a source of grave concern, and underscores the need to carefully consider the United Nations presence and next steps, taking into account the volatile and evolving security environment. There is a need for continuous analysis of the activities of the Mission and its progress in monitoring and supporting the implementation of the six-point plan, in order to focus and direct UNSMIS adequately in implementing its mandated tasks.

The essential commitment of the parties, embodied in their acceptance of the six-point plan, is to turn away from violence and towards a shared political future achieved through a political process. Continued extensive human rights violations, including arbitrary detention, by the Government undermine efforts to achieve this goal. I call in the first instance on the Government to implement in full all its obligations under the six-point plan, particularly at this juncture as regards a cessation of violence, immediate action regarding humanitarian access, and respect for human rights, including the release of detainees. No credible political process can take hold if the perception exists in a significant part of the population that its basic human rights are abused and if they continue to be under threat of arbitrary detention or worse. I also call on all elements of the opposition to implement in full their obligations to cease violence and respect human rights.

I am very concerned at the large-scale bombings that have caused significant casualties and a heightened sense of insecurity about the future among an already fearful population. This threat must be combated in a manner that ensures the security of the population and respect for their human rights. It is all the more imperative that all sides to the conflict cease any form of violence in order to re-establish law and order, thus limiting any space for spoilers to take advantage of the situation. The Government and the opposition must clearly denounce such acts and distance themselves from such tactics.

Encouragement to any party in the Syrian Arab Republic to pursue objectives through the use of violence is inconsistent with our common effort. Those who may

contemplate supporting any side with weapons, military training or other military assistance must reconsider such options to enable a sustained cessation of all forms of violence. It is essential that all parties, and those that may be providing them with support, act to halt the further repression of the population and to prevent the further militarization of the conflict.

I wish to appeal to all members of the international community to fully support and contribute to the efforts under way. The Joint Special Envoy values the support and the counsel of a wide variety of interlocutors and recognizes the critical role of all States in the region. It is particularly important that States with influence over the parties exercise that influence towards our common goals.

The genuine commitment of the parties and the strong support of all concerned is essential if we are to end the violence and abuses, bring humanitarian relief, and move to a political process that can meet the long-denied, legitimate aspirations of the suffering people of the Syrian Arab Republic.

I should be grateful if you could bring the present letter urgently to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon